

ASSEMBLY BILL

No. 1910

Introduced by Assembly Member Harper

February 11, 2016

An act relating to transportation, calling an election, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1910, as introduced, Harper. Transportation: advisory question: election.

This bill would call a special election to be consolidated with the November 8, 2016, statewide general election. The bill would require the Secretary of State to submit to the voters at the November 8, 2016, consolidated election an advisory question asking whether the California Legislature should “disproportionately target low-income and middle class families with a regressive tax increase on gasoline and annual vehicle registrations to fund road maintenance and rehabilitation, rather than ending the diversion of existing transportation tax revenues for nontransportation purposes, investing surplus state revenue in transportation infrastructure, repaying funds borrowed from transportation accounts, prioritizing roads over high-speed rail, and eliminating waste at the Department of Transportation.” The bill would also make legislative findings and declarations.

This bill would declare that it is to take effect immediately as an act calling an election.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Fix Our Roads Act.

3 SEC. 2. The Legislature finds and declares all of the following:

4 (a) According to the Governor, California faces a \$5.7 billion
5 annual shortfall in funding state highway maintenance and
6 rehabilitation. Local governments have identified an additional
7 \$7.8 billion annual shortfall for maintaining local streets and roads.

8 (b) Ensuring the safe and efficient movement of goods and
9 people is a fundamental role of government. California has
10 neglected its roads and highways. According to the Department
11 of Transportation (Caltrans), more than 15 percent of the state's
12 50,000 miles of state highways are characterized as "distressed,"
13 and require substantial rehabilitation and reconstruction work. An
14 additional 25 percent of the state highway system is in need of
15 corrective maintenance.

16 (c) California is ranked 45th in the United States by the Reason
17 Foundation's 21st Annual Report on the Performance of State
18 Highway Systems for overall highway condition and performance.

19 (d) According to The Road Information Program, a national
20 transportation research group, congestion-related delays cost
21 California motorists \$20.4 billion every year. In Los Angeles and
22 the Bay Area, the average motorist loses 61 hours due to congestion
23 each year, costing \$1,300 in lost time and wasted fuel. In the
24 commercial sector, \$1.34 trillion in goods are shipped from sites
25 in California. According to the American Transportation Research
26 Institute, traffic congestion in California adds over \$1.7 billion
27 annually in operational costs for the commercial trucking sector.

28 (e) According to the American Petroleum Institute, Californians
29 pay the fourth highest gas tax in the nation.

30 (f) In 2015, the state's cap-and-trade program was expanded to
31 cover transportation fuels. According to the State Energy Resources
32 Conservation and Development Commission, this added an
33 additional 10 cents to the cost of a gallon of gas. The Legislative
34 Analyst's Office estimates this tax will grow automatically to
35 between 13 cents and 20 cents per gallon over the next five years.
36 When this "hidden tax" is included, Californians pay the highest
37 gas tax in the nation.

1 (g) This hidden tax on gasoline will generate between \$1 billion
2 and \$3 billion per year in new revenue. None of this revenue
3 supports road maintenance and rehabilitation.

4 (h) During the last recession, the Legislature diverted
5 approximately \$1 billion per year in truck weight fees from funding
6 road maintenance and rehabilitation to backfill the state's General
7 Fund.

8 (i) General Fund spending grew by more than \$15 billion
9 between the 2013–14 and 2015–16 fiscal years. The weight fee
10 diversion has not been reversed, and none of this new spending
11 directly supported road maintenance or rehabilitation projects.

12 (j) The Legislative Analyst projects the state will have an \$11.5
13 billion surplus in the 2016–17 fiscal year.

14 (k) The Legislature borrowed \$482 million from the state's
15 Traffic Congestion Relief Program in 2001. None of this loan has
16 been repaid.

17 (l) The Legislature is funding construction of a
18 \$68-billion-high-speed rail project. If constructed, this project
19 would reduce traffic congestion by only 1 percent. In addition to
20 more than \$500 million per year in cap-and-trade revenue,
21 taxpayers will pay \$650 million per year in bond debt service over
22 the next 30 years to fund this project.

23 (m) California does not spend existing road funds efficiently.
24 The cost of meeting the state's highway maintenance needs has
25 nearly tripled over 10 years, while gas tax revenue for maintenance
26 has remained steady. In May 2014, the Legislative Analyst released
27 a review of staff support costs at Caltrans. The report determined
28 that Caltrans is overstaffed by 3,500 full-time employees, at a cost
29 of more than \$500 million per year.

30 (n) Gas taxes and vehicle registration fees are regressive, and
31 disproportionately harm low-income and middle class working
32 families. Lower income Californians drive less fuel efficient
33 vehicles, and commute longer distances due to the state's lack of
34 affordable housing.

35 (o) According to the American Automobile Association,
36 Californians already pay the highest gas prices in the nation.

37 (p) The Governor proposes placing 1,500,000 zero-emission
38 vehicles on California's roads by 2025. Electric vehicle owners
39 are disproportionately wealthy, and do not contribute any gas tax
40 to pay for road maintenance and rehabilitation. According to an

1 October 2015 University of California, Berkeley, study, the
2 wealthiest 20 percent of households capture 90 percent of federal
3 tax credits for electric vehicle purchases.

4 (q) Because electric vehicle owners do not pay gas tax,
5 increasing the gas tax shifts the burden for roadway maintenance
6 to lower income Californians.

7 (r) In September 2015, the Governor proposed a \$500 million
8 gas tax increase, and a \$2 billion vehicle registration fee increase,
9 to fund road maintenance and rehabilitation. The \$65 registration
10 fee increase would more than double the existing base registration
11 fee.

12 SEC. 3. A special election is hereby called to be held
13 throughout the state on November 8, 2016. The special election
14 shall be consolidated with the statewide general election to be held
15 on that date. The consolidated election shall be held and conducted
16 in all respects as if there were only one election and only one form
17 of ballot shall be used.

18 SEC. 4. (a) Notwithstanding Section 9040 of the Elections
19 Code, the Secretary of State shall submit the following advisory
20 question to the voters at the November 8, 2016, consolidated
21 election:

22 “Shall the California Legislature disproportionately target
23 low-income and middle class families with a regressive tax increase
24 on gasoline and annual vehicle registrations to fund road
25 maintenance and rehabilitation, rather than ending the diversion
26 of existing transportation tax revenues for nontransportation
27 purposes, investing surplus state revenue in transportation
28 infrastructure, repaying funds borrowed from transportation
29 accounts, prioritizing roads over high-speed rail, and eliminating
30 waste at the Department of Transportation?”

31 (b) The provisions of the Elections Code that apply to the
32 preparation of ballot measures and ballot materials at a statewide
33 election apply to the measure submitted pursuant to this section.

34 SEC. 5. (a) Notwithstanding the requirements of Sections
35 9040, 9043, 9044, 9061, 9082, and 9094 of the Elections Code or
36 any other law, the Secretary of State shall submit Section 4 of this
37 act to the voters at the November 8, 2016, statewide general
38 election.

39 (b) Notwithstanding Section 13115 of the Elections Code,
40 Section 4 of this act and any other measure placed on the ballot

1 by the Legislature for the November 8, 2016, statewide general
2 election after the 131-day deadline set forth in Section 9040 of the
3 Elections Code shall be placed on the ballot, following all other
4 ballot measures, in the order in which they qualified as determined
5 by chapter number.

6 (c) The Secretary of State shall include, in the ballot pamphlets
7 mailed pursuant to Section 9094 of the Elections Code, the
8 information specified in Section 9084 of the Elections Code
9 regarding the ballot measure contained in Section 4 of this act.

10 SEC. 6. This act calls an election within the meaning of Article
11 IV of the Constitution and shall go into immediate effect.

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